

REMARKS

In response to the Office Action mailed on May 18, 2007, the Applicants have amended claims 2-4, 6-7, 23-25, 33, and 38 and canceled claims 20, 29-32 and 35-37. Claims 2-9, 11, 13-14, 23-27, 33-34, and 38-39 are presented for examination.

Election/Restriction

The examiner rejected claims 29-32 and 35-37 as being directed to an invention that is independent or distinct from the invention originally claimed. In response, the Applicants have canceled claims 29-32 and 35-37.

Specification

The examiner objected to the specification for failing to provide proper antecedent basis for "program on a computer" as used in claim 20. Without conceding to the appropriateness of the objection and solely to advance prosecution, the Applicants have canceled claim 20.

Claim Objections

The examiner objected to claims 2-4 and 6 for informalities. The Applicants have amended claims 2-4 and 6. Therefore, the Applicants request reconsideration and withdrawal of the objections.

Rejections under 35 USC 112

The examiner rejected claims 2, 7, 20, and 23 for failing to provide antecedent basis for the phrase "gathering the contents of the predetermined subject." The Applicants have amended claims 2, 7, and 23 to address this rejection and canceled claim 20. Therefore, the Applicants request reconsideration and withdrawal of the rejections.

The examiner also rejected claims 2, 7, 20, and 23 under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential elements.¹ MPEP §2172.01 states:

“[a] claim which omits matter disclosed to be essential to the invention as **described in the specification** ... may be rejected under 35 U.S.C. §112, first paragraph as not enabling... such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements **described by the applicant(s) as necessary** to practice the invention.” (emphasis added)

Thus, under MPEP §2172.01, the specification should describe the element as being essential or necessary. Applicants believe that the application as filed does not describe any particular subject matter as “essential or necessary.” Therefore, Applicants request reconsideration and withdrawal of this rejection.

The examiner rejected claims 4, 6, and 7 for failing to provide antecedent basis for the phrase “channel URL.” The Applicants have amended claims 4, 6, and 7 to address these rejections. Therefore, the Applicants request reconsideration and withdrawal of the rejections.

The examiner rejected claim 11 for duplicating the limitation of claims 2 and 7. However, claim 11 recites “the data server processes the contents according to a display specification of the portable terminal and transmits them.” Neither claim 2 nor claim 7 include a limitation that the data server process the contents according to a display specification. As such, the Applicants request reconsideration and withdrawal of the rejection.

The examiner rejected claim 25 for failing to provide antecedent basis for the phrase “request in (c).” The Applicants have amended claim 25 to address this rejection. Therefore, the Applicants request reconsideration and withdrawal of the rejection.

¹ While the examiner rejected the claims 2, 7, 20, and 23 under 35 U.S.C. §112, second paragraph, it is believed that the Examiner intended to reject claims 2, 7, 20, and 23 under 35 U.S.C. §112, first paragraph, based on the Examiner’s explanation of the reason for the rejection. If the Examiner did intend for this rejection to be based on 35 U.S.C. §112, second paragraph, this rejection should be withdrawn because the Examiner has not cited proper legal support for the rejection.

Rejections under 35 USC 101

The examiner rejected claim 20 under 35 USC 101. Without conceding to the appropriateness of the rejection and solely to advance prosecution, the Applicants have canceled claim 20; therefore this rejection should be withdrawn.

Rejections under 35 USC 102

The examiner rejected claims 33-34 and 38-39 under 35 USC 102(e) as being anticipated by Reisman (US 6,769,009).

As amended claim 33 recites “receiving two or more URLs that are transmitted from a portable terminal [that includes] a plurality of channel icons that respectively have channel URL information of a predetermined subject and wherein a user selection of a channel icon of the portable terminal causes the two or more URLs to be transmitted from the portable terminal to the data server.” Reisman fails to describe or suggest such a system.

Reisman fails to describe or suggest channel icons where selection of a channel icon causes two or more URLs to be transmitted from the portable terminal to the data server. In contrast, Reisman’s system includes multiple APIs that enable information transport to provide a method for economical and prompt distribution of electronic information products.² According to Reisman, the information transport is based on an object or manifest list.³ For example, Reisman states:

Communications module 36 uses a setup ID number specified through API 40 or 42, selectes which setup to use for a call, calls remote server 22 using protocol 38, and in a preferred embodiment, sends an object manifest comprising a send object list, a fetch object list or both... Alternatively, fetch-send protocol 38 may refer to a pre-existing manifest list stored at the user’s station...⁴

As such, in Reisman’s system the delivery of information is based on an object or manifest list and not based on “two or more URLs that are transmitted from a portable

² Col. 5, lines 15-18 and col. 9, lines 28-35.

³ Col. 11, line 58 – col. 12, line 3.

⁴ Col. 11, line 58 – col. 12, line 12.

terminal [that includes] a plurality of channel icons that respectively have channel URL information of a predetermined subject and wherein a user selection of a channel icon of the portable terminal causes the two or more URLs to be transmitted from the portable terminal to the data server” as recited in the applicant’s claim 33.

As amended claim 33 additionally recites “requesting contents from a plurality of web servers associated with the two or more URLs associated with the selected channel, and binding the contents associated with two or more URLs into a single channel...” In Reisman’s system “[t]he server obtains requested fetch objects by product ID and object name and forwards them to the transporter at the user.”⁵ Reisman fails to disclose or suggest binding the contents into a single channel and transmitting the single channel of contents to the portable terminal. As such, the Applicants request reconsideration and withdrawal of the rejection.

Claim 34 depends from claim 33 and is patentable for at least the same reasons as claim 33 is patentable.

Claim 38 recites “a data server to receive two or more URLs that are transmitted from a portable terminal [that includes] a plurality of channel icons that respectively have channel URL information of a predetermined subject and wherein a user selection of a channel icon of the portable terminal causes the two or more URLs to be transmitted from the portable terminal to the data server.” Claim 38 is patentable for reasons similar to those discussed above in relation to claim 33.

Claim 39 depends from claim 38 and is patentable for at least the same reasons as claim 38 is patentable.

Rejections under 35 USC 102

The examiner rejected claims 2-9, 11, 13, 14, 20, and 23-27 under 35 USC 103(a) as being unpatentable over Reisman in view of Bickmore (US 6,857,102) or Reisman in view of Bickmore in further view of Kappel (US 5,905,736).

⁵ Col. 14, line 65 – col. 15, line 2.

Applicant(s) : Kazuho Oku
Serial No. : 09/911,816
Filed : July 24, 2001
Page : 14 of 14

Attorney Docket No.: 36301-003001
Client Ref. No.: OPP 010431 US


As amended independent claims 2, 7, and 23 each include the limitation of a “portable terminal including a plurality of channel icons that respectively have channel URL information of a predetermined subject, and wherein a user selection of a channel icon of the portable terminal causes the respective channel URL to be transmitted from the portable terminal to the system.” As described above, Reisman fails to disclose or suggest such a system. In addition, Bickmore and Kappel are not believed to remedy the deficiency of Reisman. As such, the Applicants request that the rejections of claims 2, 7, and 23 under 35 USC 103(a) be withdrawn.

Claims 3-6, 8-9, 11, 13, 14, 20, and 24-27 depend from one or more of claim 2, 7, and 23 and are patentable for at least the same reasons as claim from which they depend.

No fee is believed to be due. Please apply any other charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 36301-003001.

Respectfully submitted,

Date: 8/20/07



Tonya S. Drake
Reg. No. 57,861

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2501
Facsimile: (617) 500-2499